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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

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The foregoing Amendment is filed in response to the official action dated September 13, 2006. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-5, 7-8, 10-14, 17-34, 36-37, and 39-42 are currently pending.

Claims 1-5, 7-8, 10-14, 17-34, 36-37, and 39-42 stand rejected.

Claims 23, 29, 33, and 40 have been amended.

Claims 25-28 have been canceled without prejudice.

The Examiner has rejected claims 1-5, 7-8, 10, 14, and 17 under 35 U.S.C. 103(a) as being unpatentable over Wechter (USP 4,351,217) in view of Soumi et al. (USP 4,937,606) and Hudak (USP 5,731,535). The Applicant respectfully submits, however, that base claim 1 recites non-obvious subject matter that distinguishes over the art of record, and therefore the rejections of claim 1 and the claims depending therefrom under 35 U.S.C. 103 are unwarranted and should be withdrawn.

For example, base claim 1 recites a preamplifier assembly for a musical instrument that comprises a housing including a face portion, and an integral battery holder configured to hold a

-22-

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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

battery. The housing is connectable to a surface of the musical instrument, while allowing unobstructed user access to the face portion of the housing. The face portion includes a bezel and at least one cover retaining element. The bezel has at least one slot opening formed therein, in which one end of the slot opening defines a pivot point. The preamplifier assembly further includes a cover for securely enclosing the battery within the battery holder. The cover is slidably and pivotally mounted on the face portion of the housing. The cover has a first edge, at least one pivot pin adjacent the first edge, and at least one cover locking surface. The slot opening in the bezel is configured to receive the pivot pin for facilitating slidable and pivotable movement of the cover between a closed position to enclose the battery within the battery holder, and an opened position to allow the user to access the battery within the battery holder. The cover retaining element included in the face portion is configured to engage the cover locking surface when the cover is in the closed position. The cover is configured to allow the user to move it from the closed position to the opened position by sliding the cover to disengage the cover locking surface from the cover retaining element and to move the pivot pin within the slot opening to the pivot point. As recited in claim 1, the first edge of the cover

-23-

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Application No.: 10/649,369
Filed: August 27, 2003
TC Art Unit: 2837
Confirmation No.: 4735

adjacent the pivot pin is a leading edge during the sliding movement. Further, by pivoting the cover about the pivot point to the opened position, the user can open the cover in substantially one continuous movement.

The preamplifier assembly of base claim 1 also includes a printed circuit board subassembly disposed within the housing. The printed circuit board subassembly includes at least one printed circuit board. Preamplifier circuitry disposed on the printed circuit board is operative to receive an input signal from at least one input device, and to generate an output signal. The battery is operative to supply power to the preamplifier circuitry. In addition, the preamplifier assembly includes an integral output connector operatively connected to the preamplifier circuitry for providing the output signal. The output connector is directly attached to the printed circuit board, and is mounted on the face portion of the housing to secure the printed circuit board assembly within the housing. As recited in claim 1, the integral output connector comprises an output jack, and the face portion of the housing is configured to provide a structural reinforcement for the output jack.

The official action indicates at the bottom of page 4 that the Soumi reference teaches a cover configured to allow a user to

Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

move it from a closed position to an opened position by sliding the cover to disengage a cover locking surface from a cover retaining element, and to move a pivot pin within a slot to a pivot point. The official action further indicates that Soumi et al. teach that the "first edge" of the cover is the leading edge during the sliding movement. As recited in base claim 1, the first edge of the cover is adjacent the pivot pin. The Applicant respectfully submits, however, that the Soumi reference does not teach that the edge of the cover adjacent the pivot pin is the leading edge during the sliding movement, but instead teaches that the edge adjacent the pivot pin is, in fact, the trailing edge during the sliding movement of the cover.

This is shown in Figs. 8-9 of the Soumi reference (see EXHIBIT A). As shown in Figs. 8-9 of Soumi et al., the Applicant has indicated the edges that serve as the "first trailing edge" and the "leading edge", respectively, of the battery cover 22, during the sliding movement of the cover 22 in the direction corresponding to directional arrow L. As disclosed by Soumi et al., to open the battery cover 22, the cover 22 must first be slid in the direction of the arrow L to disengage the engagement piece 46 from the recessed portion 45 near the trailing edge of the cover 22 (see also EXHIBIT B, Fig. 6, of Soumi et al.), to

-25-

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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

disengage the projection 58 from the recessed portion 56 near the leading edge of the cover 22 (see EXHIBIT A, Fig. 8, of Soumi et al.), and to move the pivot pin 24 through the slot 42 to the pivot hole 44 (see also EXHIBIT B, Fig. 5, of Soumi et al.). As clearly illustrated in Fig. 9 of Soumi et al. (EXHIBIT A), during the sliding movement of the battery cover 22 in the direction of the arrow L, the leading edge of the cover 22 is not adjacent the pivot pin 24. Instead, during the sliding movement of the battery cover 22 in the direction of the arrow L, the trailing edge of the battery cover 22 is adjacent the pivot pin 24.

The teaching of Soumi et al. is therefore contrary to what is described and claimed in the instant application. For example, as shown in Figs. 2-3 of the application (see EXHIBITS C-D), the Applicant has indicated the edges that serve as the "first leading edge" and the "trailing edge", respectively, of the battery holder cover 34, during sliding movement of the cover 34 in the direction corresponding to directional arrow U1. As described in the instant application, to open the battery cover 34, the cover 34 must first be slid in the direction of the arrow U1 to free the cover locking surfaces 54 from the cover retainers 36 (see EXHIBITS C-D, Figs. 2-3, of the application;). As shown in Fig. 2 of the application, during the sliding movement of the battery

Application No.: 10/649,369
Filed: August 27, 2003
TC Art Unit: 2837
Confirmation No.: 4735

cover 34 in the direction of the arrow U1, the leading edge of the cover 34 is adjacent the pivot pin 38, as recited in base claim 1, and the trailing edge of the cover 34 is opposite the edge near the pivot pin 38.

The official action also indicates at the top of page 5 that Soumi et al. teach that the battery cover 22 (see EXHIBIT A, Figs. 8-9, of Soumi et al.) can be slid and pivoted about the pivot point to allow the user to open the cover in substantially one continuous movement. The Applicant respectfully submits, however, that the Soumi reference does not teach pivoting the cover about the pivot point to an opened position, thereby allowing the user to open the cover in substantially one continuous movement, but instead teaches opening the cover in substantially two opposing movements. This is illustrated in Figs. 8-9 of Soumi et al. (Exhibit A), which depict the battery cover 22 undergoing a sliding movement toward the left of the drawing sheet in the direction of the arrow L to disengage the engagement piece 46 from the recessed portion 45, to disengage the projection 58 from the recessed portion 56, and to move the pivot pin 24 through the slot 42 to the pivot hole 44 (see also EXHIBIT B, Fig. 5, of Soumi et al.). Next, the cover 22 undergoes a rotating movement toward the right of the drawing sheet in the direction of the arrow R to the

-27-

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Application No.: 10/649,369
Filed: August 27, 2003
TC Art Unit: 2837
Confirmation No.: 4735

opened position. The Applicant submits that the sliding movement of the cover 22 toward the left followed by the rotating movement of the cover 22 toward the right are substantially two opposing movements that the cover must undergo to reach its opened position.

In contrast, the battery cover recited in base claim 1 is configured to allow the user to open the cover in substantially one continuous movement. This is illustrated in Figs. 2-3 of the application (EXHIBITS C-D), which depict the battery cover 34 undergoing a sliding movement toward the top of the drawing sheet in the direction of the arrow U1 to free the cover locking surfaces 54 from the cover retainers 36, and subsequently undergoing a rotating movement again toward the top of the drawing sheet in the direction of the arrow U2 to the opened position. Because each of the above-described sliding and rotating movements of the battery cover 34 are directed toward the top of the drawing sheet, more specifically, toward the volume and tone controls 26, 28 and the output jack 42 (see EXHIBITS C-D, Figs. 2-3, of the application), the Applicant submits that the cover 34 can be slid and rotated in substantially one continuous movement toward the volume and tone controls 26, 28 and the output jack 42 to reach its opened position. In contrast, as discussed above, the battery

-28-

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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

cover 22 of Soumi et al. must undergo substantially two opposing movements in the left and right directions, respectively, relative to the drawing sheet to reach its opened position.

The Applicant points out that the battery cover of base claim 1 can be opened by a user in substantially one continuous movement because the cover is configured such that, during the sliding movement, the leading edge of the cover is adjacent the pivot pin. The Applicant respectfully submits that the Soumi reference neither teaches nor suggests a battery cover with this structural configuration, as recited in claim 1. The Applicant also points out that because the battery cover of claim 1 can be opened in substantially one continuous movement, the battery cover is conducive to one-handed operation. This is particularly advantageous for guitar players, who must often have quick and easy one-handed access to the battery powering their preamplifier circuitry while engaged in a musical performance.

The official action also indicates on page 5 that the Hudak reference teaches a preamplifier, including an integrated output connector directly attached to a printed circuit board and mounted on the face portion of the preamplifier housing, thereby securing the printed circuit board assembly within the housing. Along with this assertion, the official action indicates that the soundboard

Application No.: 10/649,369
Filed: August 27, 2003
TC Art Unit: 2837
Confirmation No.: 4735

or bowl of the guitar body corresponds to the preamplifier housing. The Applicant respectfully submits, however, that by making this assertion, the official action negates an important advantage of the claimed invention, particularly, that of providing a structural reinforcement for the output jack, obviating the need to provide a separate reinforcement in the event low-cost output jack models are employed (see page 4, lines 12-15, of the application).

The Applicant has recognized that repeated insertion and removal of the output jack into and out of the output connector could potentially damage the body of a guitar, especially if the output connector is directly attached to the guitar body. By mounting the output connector to the face portion of the preamplifier housing to secure a printed circuit board assembly within the housing, as recited in base claim 1, the stress forces generated by manipulating the output jack are applied primarily to the housing face portion, not to the guitar body or soundboard. As a result, the chance of inadvertently damaging the guitar, particularly, low-cost guitar models, is significantly reduced.

Because neither the Wechter reference, the Soumi reference, nor the Hudak reference teaches or suggests a preamplifier assembly for a musical instrument, including a battery holder with

Application No.: 10/649,369
Filed: August 27, 2003
TC Art Unit: 2837
Confirmation No.: 4735

a cover that allows a user to move the cover from a closed position to an opened position by sliding the cover to disengage a cover locking surface from a cover retaining element and to move a pivot pin within a slot opening to a pivot point, in which a first edge of the cover adjacent the pivot pin is the leading edge during the sliding movement, and by subsequently rotating the cover to the opened position, in substantially one continuous movement, as recited in base claim 1, the Applicant respectfully submits that the combined teachings of the Wechter, Soumi, and Hudak references would not suggest to one of ordinary skill in this art at the time of the invention the subject matter of claim 1 and the claims depending therefrom. Accordingly, it is respectfully submitted that the rejections of claims 1-5, 7-8, 10, 14, and 17 under 35 U.S.C. 103 are unwarranted and should be withdrawn.

The Examiner has rejected dependent claims 11-13 and 18-22 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Soumi et al. and Hudak, as applied to base claim 1, and further in view of Armstrong (USP 4,472,994). The Applicant respectfully submits, however, that the Armstrong reference does not cure the deficiencies of the Wechter, Soumi, and Hudak references, and therefore the combined teachings of the Wechter, Soumi, Hudak, and

-31-

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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

Armstrong references would not suggest to one skilled in this art the subject matter of claims 11-13 and 18-22, which depend from claim 1. Accordingly, it is respectfully submitted that the rejections of claims 11-13 and 18-22 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected claims 23, 31-34, 36, 39-40, and 42 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak. As discussed above, however, with reference to base claim 1, neither the Wechter reference nor the Hudak reference teaches or suggests a preamplifier assembly for a musical instrument, including a battery holder with a cover that allows a user to move the cover from a closed position to an opened position by sliding the cover to disengage a cover locking surface from a cover retaining element and to move a pivot pin within a slot opening to a pivot point, in which a first edge of the cover adjacent the pivot pin is the leading edge during the sliding movement, and by subsequently rotating the cover to the opened position, in substantially one continuous movement. Because the Armstrong reference does not cure this deficiency of the Wechter and Hudak references, the combined teachings of the Wechter, Armstrong, and Hudak references would not suggest to one skilled in this art the subject matter of amended base claims 23

-32-

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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

and 40 and the claims depending therefrom. Accordingly, it is respectfully submitted that the rejections of claims 23, 31-34, 36, 39-40, and 42 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected dependent claims 24-30 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak, as applied to base claim 23 above, and further in view of Soumi et al. However, with reference to the discussion above pertaining to base claim 1, the Applicant respectfully submits that the Soumi reference does not cure the deficiencies of the Wechter, Armstrong, and Hudak references, and therefore the combined teachings of the Wechter, Armstrong, Hudak, and Soumi references would not suggest to one skilled in this art the subject matter of claims 24 and 29-30, which depend from base claim 23 (claims 25-28 have been canceled in the foregoing Amendment). Accordingly, it is respectfully submitted that the rejections of dependent claims 24 and 29-30 should be withdrawn.

The Examiner has rejected dependent claim 37 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak, as applied to claims 33 and 36, and further in view of Kupnicki et al. (USP 6,283,778). The Examiner has also rejected dependent claim 41 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak, as applied to base

-33-

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Application No.: 10/649,369

Filed: August 27, 2003

TC Art Unit: 2837

Confirmation No.: 4735

claim 40, and further in view of Loar (USP 2,020,842). The Applicant respectfully submits, however, that neither the Kupnicki reference nor the Loar reference cures the deficiencies of the Wechter, Armstrong, and Hudak references, and therefore the combined teachings of the Wechter, Armstrong, Hudak, and Kupnicki references, and the Wechter, Armstrong, Hudak, and Loar references, would not suggest to one skilled in this art the subject matter of claims 37 and 41, respectively. Accordingly, it is respectfully submitted that the rejections of claims 37 and 41 under 35 U.S.C. 103 should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is placed in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of

Application No.: 10/649,369
Filed: August 27, 2003
TC Art Unit: 2837
Confirmation No.: 4735

the present application.

Respectfully submitted,

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EXHIBIT A

U.S. Patent Jun. 26, 1990

Sheet 5 of 5

4,937,606

FIG. 8

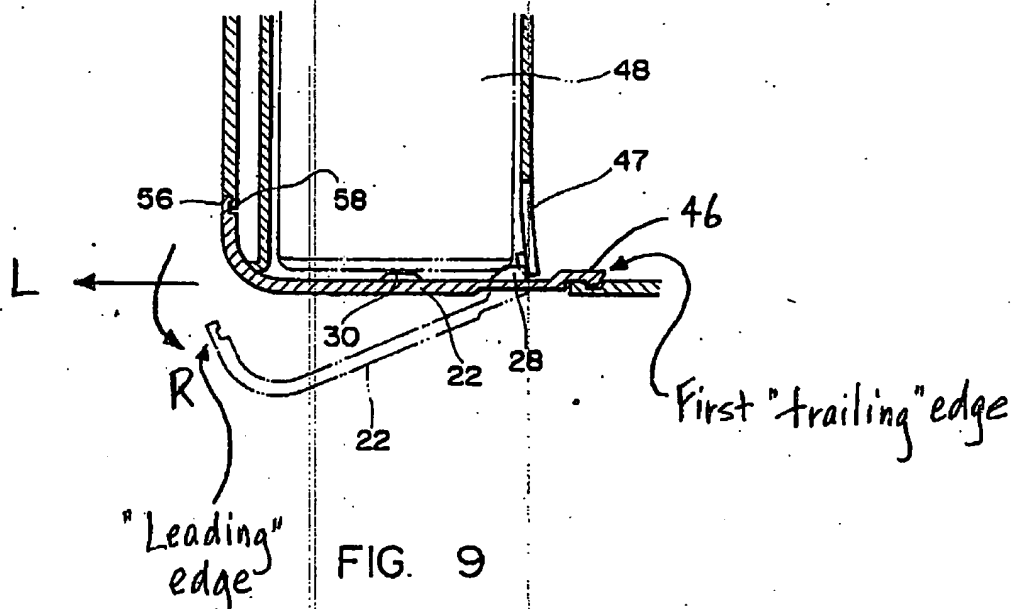
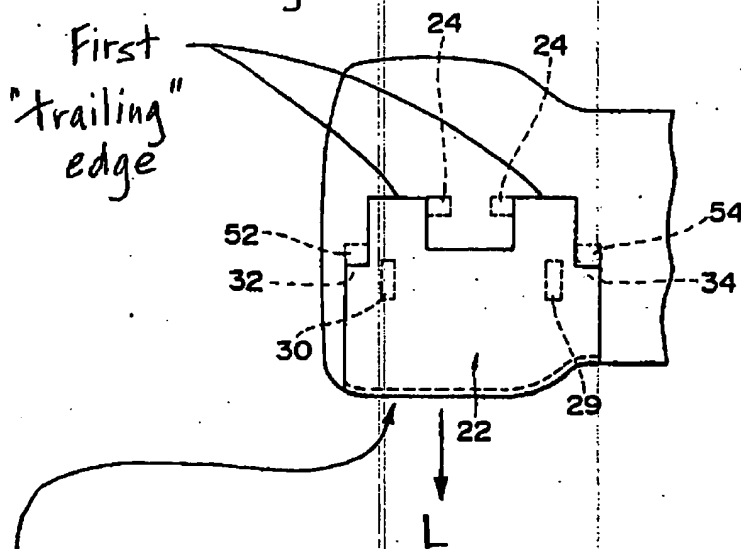


FIG. 9



The "leading" edge of Soumi et al. is not adjacent the pivot pin 24.

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EXHIBIT B

U.S. Patent

Jun. 26, 1990

Sheet 4 of 5

4,937,606

FIG. 5

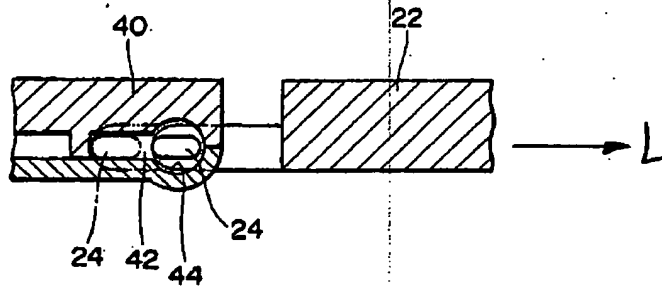


FIG. 6

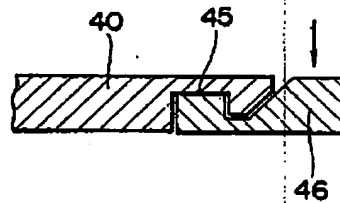
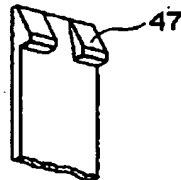


FIG. 7



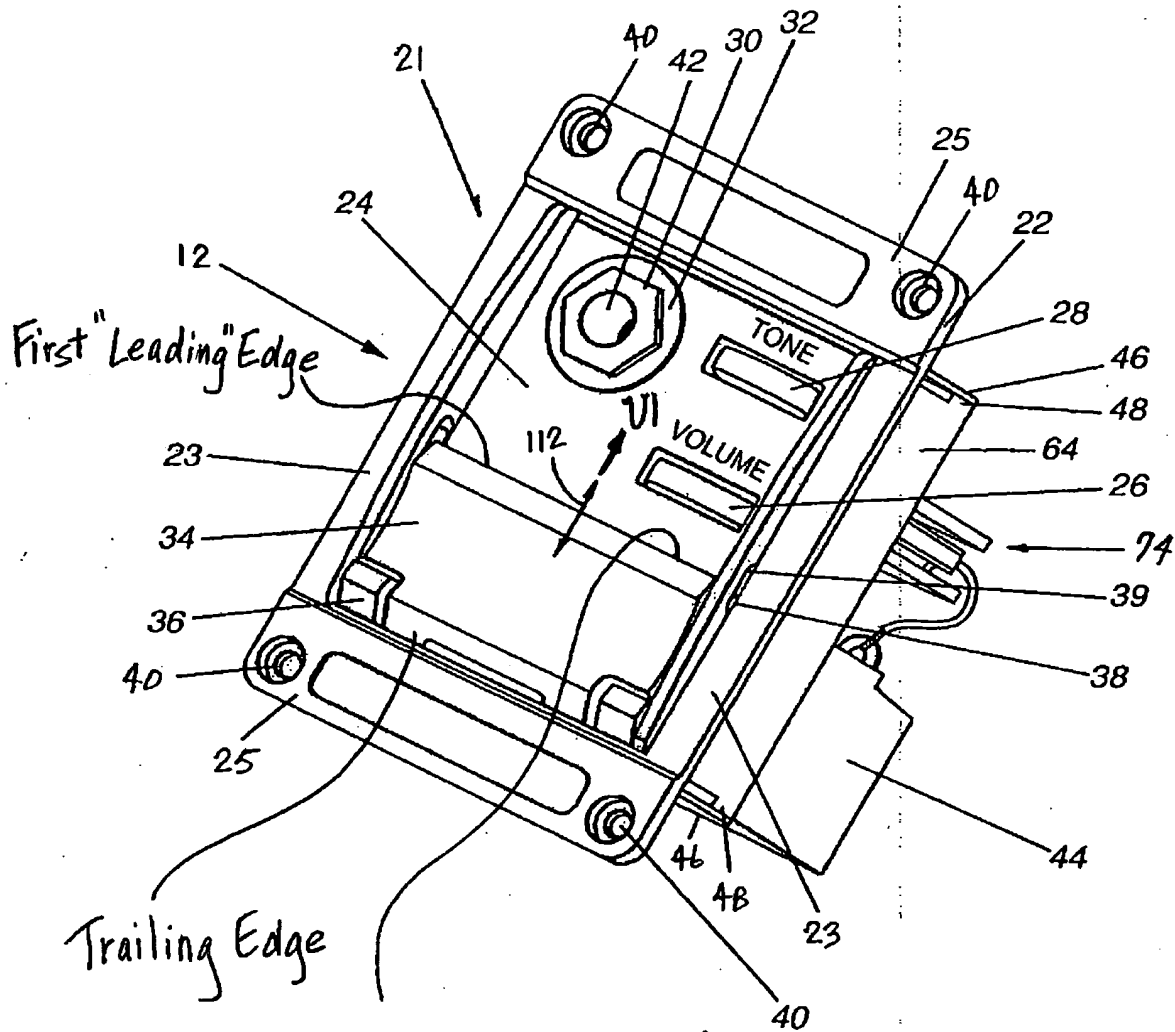
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 Inventor Name: Lawrence R. Fishman
 Appl. No. UNASSIGNED
 Docket No.: FSRTR-015XX

EXHIBIT C

2/9

Fig. 2



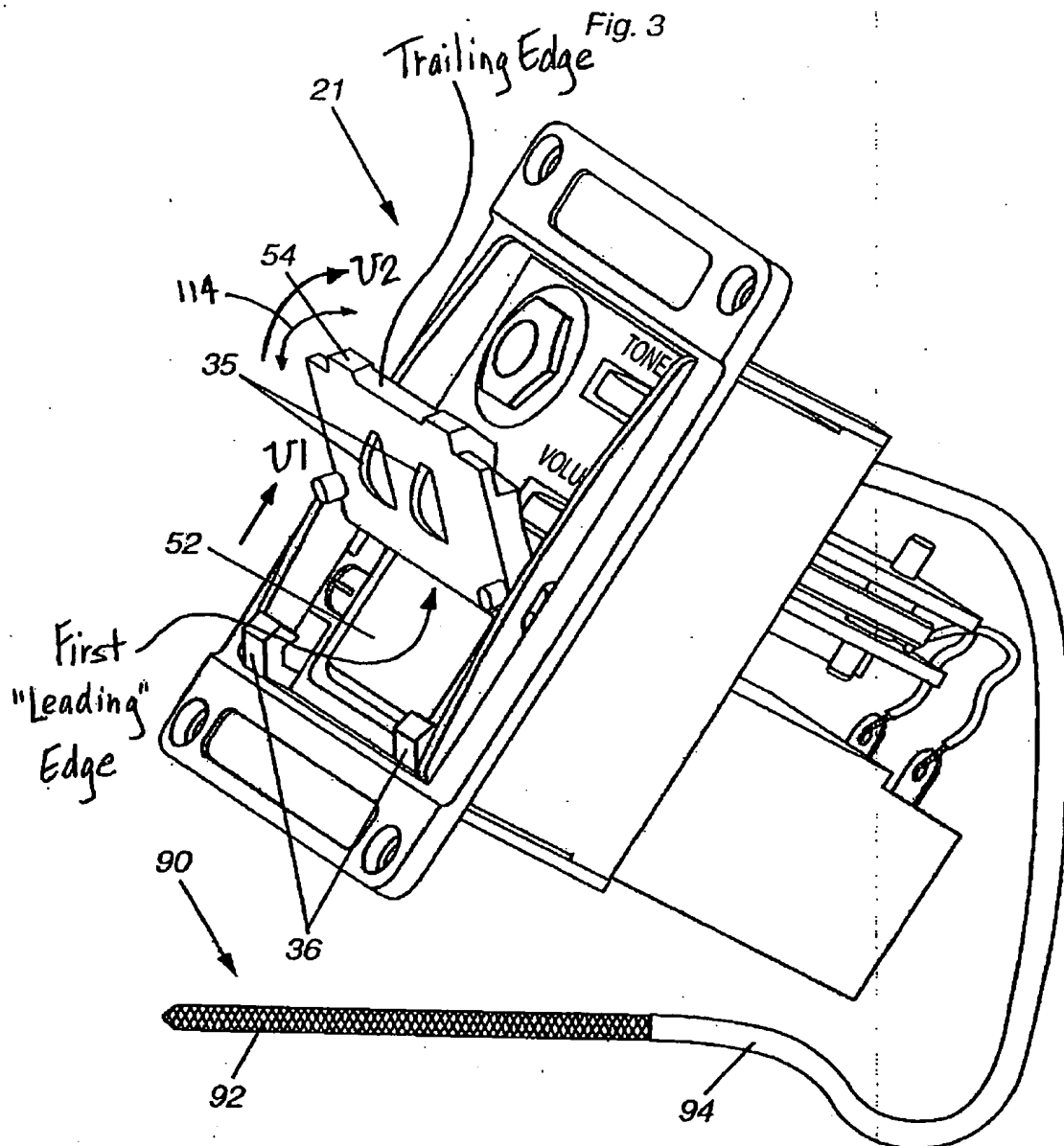
The "leading" edge of
 claim 1 is adjacent the
 pivot pin 38.

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EXHIBIT D

3/9



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